

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

S. DONALD SUSSMAN,	)	
	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2013-0125
v.	)	
	)	
PCGNY CORP. and KEMPER SYSTEM	)	
AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	

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**Attorneys:**

**Mark Wilczynski, Esq.,**

St. Thomas, U.S.V.I.

**Lauren N. Wright, Esq.,**

Watkinsville, GA

*For Plaintiff*

**Kyle R. Waldner, Esq.,**

St. Thomas, U.S.V.I.

**Eric Scott Cohen, Esq.,**

New York, NY

*For Defendant PCGNY, Corp.*

**Maria Tankenson Hodge, Esq.,**

St. Thomas, U.S.V.I.

*For Defendant Kemper System America, Inc.*

**ORDER**

**UPON CONSIDERATION** of the Magistrate Judge's Report and Recommendation ("R&R") (Dkt. No. 44) relating to Defendant Kemper System America, Inc.'s ("Kemper") "Motion to Dismiss" (Dkt. No. 7), the various objections filed thereto (Dkt. Nos. 47, 48), the entire record, and for the reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, is it hereby

**ORDERED** that the Magistrate Judge's R&R (Dkt. No. 44) is **ADOPTED** as modified in the accompanying Memorandum Opinion; and it is further

**ORDERED** that Plaintiff Sussman's Objections (Dkt. No. 47) to the R&R are **OVERRULED**; and it is further

**ORDERED** that Kemper's Motion to Dismiss (Dkt. No. 7) is **GRANTED IN PART** in that all of Sussman's claims against Kemper shall proceed to **ARBITRATION**; and it is further

**ORDERED** that all proceedings related to Sussman's claims against Kemper in this Court are **STAYED** pending resolution of arbitration; and it is further

**ORDERED** that Defendant PCGNY Corp.'s Objection (Dkt. No. 48) to the R&R is **SUSTAINED**; and it is further

**ORDERED** that the R&R is **REJECTED** to the extent that it includes the three factual findings challenged by Defendant PCGNY Corp.; and it is further

**ORDERED** that Plaintiff Sussman's claims against Defendant PCGNY shall proceed in this forum.

**SO ORDERED.**

Date: December 28, 2020.

\_\_\_\_\_/s/\_\_\_\_\_  
WILMA A. LEWIS  
Chief Judge